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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/965,405

09/26/2001

Tami L. Guy

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Intellectual Property Administration

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EXAMINER

LANEAU, RONALD

ART UNIT

PAPER NUMBER

3714

MAIL DATE

DELIVERY MODE

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte ANDREW C. GILBERT,
MARIANN GILBERT,
ANDREW STERGIOPOULOS, and
ANGELA STERGIOPOULOS

Appeal 2009-007254
Application 09/965,405
Technology Center 3600

Mailed: April 26, 2010

Before DALE M. SHAW, *Division 2 Support Administrator*.

ORDER REMANDING APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on April 9, 2009. A Docketing Notice was mailed and Appeal No. 2009-007254 was assigned on April 13, 2009. A review of the application has revealed that the Board of Patent Appeals and Interferences (BPAI) reviewed the Appeal and handed down its decision which added a new ground of rejection pursuant to 35 U.S.C. § 41.50(b). Accordingly, the

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application is herewith being remanded to the Examiner. The matter requiring attention is identified below.

The BPAI issued its Decision on Appeal No. 2009-007254 on March 2, 2010. The BPAI's decision did not render a decision on the prior art rejections but did add a new ground of rejection under 35 U.S.C. § 101 on all the pending claims, pursuant to 35 U.S.C. § 41.50(b). On April 9, 2010, Appellants timely filed a Reply with Amendment dated April 9, 2010, in accordance with 37 CFR 1.111. The document filed by Appellants was entitled "Amendment and Response to Decision on Appeal". This paper is being treated as a request to remand the appeal and re-open prosecution.

Accordingly, it is ORDERED that the application is remanded to the Examiner to re-open prosecution in accordance with the Appellants' Reply with Amendment, timely filed on April 9, 2010.

If there are any questions pertaining to this order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

mev

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